S.B. Civil Misc. Appeal No.841/2005
Jetha Ram & Anr.
Vs
Smt. Ram Pyari & Ors.

DATE OF ORDER : - 3.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.DD Chitlangi, for the appellant.

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Heard learned counsel for the appellant.

The appellant is aggrieved against the order of the first appellate court dated 15th April, 2005 by which the first appellate court allowed the review application of the non-petitioner and set aside the judgment and decree passed by the same court.

It appears from the reasons given in the impugned order dated 15th April, 2005 that the first appellate court after recording all the facts, which are peculiar in nature held that the full opportunity of hearing was not given to the parties under certain wrong assumption and because of that reason one of the issue was decided by the first appellate court by ignoring the fact mentioned in the order-sheet dated 2nd April, 2004.

Since the same judge found that the opportunity of hearing has not been provided to the parties properly before deciding the appeal, therefore, this Court is not inclined to interfere in such an order.

Hence, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

c.p.goyal/-